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Michael Kirkman, Executive Director of Disability Rights Ohio
Interested Party Testimony on Senate Bill 246
Senate Finance Committee
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Chair Oelslager, Vice Chair Manning, Ranking Member Skindell and members of the Senate Finance Committee, thank for your time and consideration in allowing Disability Rights Ohio the opportunity to provide interested party testimony regarding Senate Bill 246 ("SB 246"), more commonly referred to as the SAFE Act. Disability Rights Ohio is the federally mandated, protection and advocacy system in Ohio with the mission to advocate for the human, civil, and legal protections of people with disabilities.

For over 40 years, our office has actively advocated for improvements in Ohio's educational system on behalf of children with disabilities and their families who, more than most, have encountered barriers to an appropriate education. Disability Rights Ohio has firsthand experience advocating against the suspension and expulsion of students with disabilities, including the removal from school of very young children and, as you know, was instrumental in persuading the Ohio State Board of Education to implement rules in this area. Through our advocacy efforts, we have seen an improvement in student performance when the right behavioral supports are put in place.

Disability Rights Ohio applauds Senators Lehner and Manning for introducing SB 246 and their efforts, through this bill, to limit school removals and improve the positive behavior intervention and supports ("PBIS") framework in Ohio's schools. Providing educators the proper tools to create supportive learning environments for students with disabilities is an essential framework that will help improve student achievement. Additionally, this legislation has the potential to benefit the educational services for students with disabilities and help in closing the achievement gap between those students and their peers.

The U.S. Department of Education's Office of Special Education and Rehabilitation Services issued guidance stating disciplinary removals have "detrimental impacts" on students with disabilities. In order for schools to meet their requirement to provide a free and appropriate education ("FAPE"), as required by the Individuals with Disabilities Education Act, schools "must provide appropriate behavioral supports to children with disabilities [...] in the least restrictive environment." By preventing the removal of students pre-k – 3rd grade and requiring schools to submit reports regarding the implementation of PBIS, districts will be able to meet their FAPE requirements while supporting academic achievement for students with disabilities.

Thank you for the opportunity to provide interested party testimony on SB 246 and offer additional information on how this bill would impact and improve the lives of students with disabilities. If you have any questions or wish to discuss the issue further please contact Jordan Ballinger, Policy Analyst (jballinger@disabilityrightsohio.org or 614-466-7264, ext. 135).